APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,441	09/08/2003	Simon Alan Jones	G&C 30566.256-US-U1	1424

			EXAMINER
55895	7590	10/16/2006	LAY, MICHELLE K

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ART UNIT	PAPER NUMBER
2628	

DATE MAILED: 10/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/657,441	JONES ET AL.
	Examiner	Art Unit	
	Michelle K. Lay	2628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>08 August 2006</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 08/08/2006 have been fully considered but they are

not persuasive in regards to claims 1-3, 7-9, 13-15, and 19-21.

Applicant argues the "location" as set forth in the pending claims differs from the

"location" used in the prior art rejections (Hollingsworth, Matsushita, Felser). Examiner

respectfully disagrees. Applicant determines its "location" as (1) without moving the

object, (2) the "location" is with respect to another object, and (3) a value of the object is

based on property data of the other object based on the location [*Applicant's remarks*

filed 08/08/2006, pg. 2]. However, Examiner sees no difference between the rules of

Hollingsworth, where the rules of Hollingsworth define how to place the object within the

drawing without physically moving the object to its location.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim **1** is rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter. Claim 1 provides a method to obtain a tangible

result, but fails to actually recite a tangible result.

Claim **7** is rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter. Claim 7 recites a system that solely calculates

an algorithm. This is not directed to the type of subject matter eligible for patent

protection. One may not patent a process that comprises every "substantial practical

application" of an abstract idea, because such a patent "in practical effect would be a

patent on the [abstract idea] itself." Benson, 409 at 71-72, 175 USPQ at 676; cf. Diehr,

450 U.S. at 187, 209 USPQ at 8.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

Claim **7** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite

for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention. It is unclear if claim 7 is claiming a method or a system since

the preamble states an apparatus, however the limitations recite a method.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

1.   Claims **1-3**, **7-9**, **13-15**, and **19-21** are rejected under 35 U.S.C. 103(a) as being

unpatentable over Hollingsworth et al. (5,444,836).

In regards to claims **1**, **7**, **13**, **19-21** –

Hollingsworth et al. discloses an apparatus and method for creating and applying flexible, user defined rules for placement of graphical objects in a computer aided drafting (CAD) application. The placement subsystem (100) and its relationship to other subsystems are shown in Fig. 1. Placement subsystem (100) communicates with database subsystem (102) over bidirectional communication link (110) to retrieve information and attributes associated with graphical objects to be placed on a graphical image. Database subsystem (102) may represent any database means capable of storing and retrieving information (claim **13**, **21**: storage medium readable by computer). Placement subsystem (100) manipulates the information retrieved from database subsystem (102) by applying user-defined rules to determine the proper placement of the graphical objects on the graphical image (claims **1.c.i-ii.**, **7.b.iii.1-2.**, **13.c.i-ii.**, **19-21**) [col. 4, lines 64-66]. Thus, the rules of Hollingsworth provides where the object should be placed without having to physically move the object to the location. Placement subsystem (100) then communicates with drawing subsystem (104) over communication link (112) to instruct drawing subsystem (104) where to draw each graphical object on the graphical image [col. 4, lines 66-68]. Drawing subsystem (104) transforms information to graphical output device (106) over communication link (114) to create the desired graphical image (claims **1.a.**, **7.b.i.**, **13.a.**, **19-21**). The resulting graphical image constructed by graphical output device (106) shows the graphical objects placed on the graphical image according to the user defined rules manipulated by placement subsystem (100) [col. 5, lines 1-8]. As shown in Fig. 2, these subsystems

(100) (102) (104) may coexist on a common computer system (210) (claims **7**, **20**: a

computer having memory) [col. 5, line 14]. The rule-processing component (200)

represents the rule application (claim **7.b.**) means for automatically reading and

applying the placement rules defined by the user of the rule definition means [col. 5,

lines 58-61]. Graphical objects may be lines, symbols, geometric shapes, text, or other

constructs which are to be placed on the graphical image (claims **1.b.**, **7.b.ii.**, **13.b.**)

[col. 1, lines 24-26].

In regards to claims **2**, **8**, **14** –

Fig. 2 depicts additional detail of the components within placement subsystem

(100). A user of placement subsystem (100) uses rule creation and modification

component (202) to create a textual file specifying the user defined placement rules to

be applied in placement of all graphical objects (claims, **2**, **8**, **14**). The rule specification

file contains a structured record for each set of rules to be applied to a particular class

of graphical objects being placed [col. 5, lines 32-39]. As shown in Fig. 2, the

placement subsystem (100) exists on a common computer system (210) (claim **8**) [col.

5, line 14] and includes database subsystem (102) representing any database means

capable of storing and retrieving information (claim **14**).

In regards to claims **3**, **9**, **15** –

The rule-processing component (200) of Fig. 2 reads the rule specification file from

storage device (204) to initiate the creation of graphical image on graphical output

device (106). Each structured record read from storage device (204) includes a

database query element to be applied by rule processing component (200) to database

subsystem (102) [col. 5, lines 61-68]. The application of the query element to database

subsystem (102) results in retrieval of zero or more information records. Each

information record retrieved by the application of the query element to database

subsystem (102) contains information regarding nominal placement of a graphical

object to be placed on the graphical image (claims **3**, **9**, **15**) [col. 6, lines 1-7]. As shown

in Fig. 2, these subsystems (100) (102) (104) may coexist on a common computer

system (210) (claim **9**) [col. 5, line 14] and includes database subsystem (102)

representing any database means capable of storing and retrieving information (claim

15).

2.   Claims **4, 10, 16** are rejected under 35 U.S.C. 103(a) as being unpatentable over

US Patent No. 5,444,836 to Hollingsworth et al. in view of US Patent No. 6,049,340 to

Matsushita et al.

Hollingsworth et al. teaches the limitations of claims **4, 10, 16** with the exception of

disclosing the object as a door. However, Matsushita et al. discloses a computer aided

design (CAD) system in which the user selecting generates graphic drawings and

placing figures representing objects such as walls and doors on a screen.

In combination with the rationale of claims **1**, **7**, and **13** respectfully, Hollingsworth

et al. further teaches the ability to place text on the graphical image. The text blocks

specify the TS text string drawing keyword statement to invoke the text drawing features

of placement subsystem (100) in drawing the placeable text block on the graphical

image (claim **4**: door number) [col. 21, lines 17-23]. Furthermore, TS is a high-level

keyword statement used to specify that a text string is to be drawn to represent the

placeable object on the graphical image [Hollingsworth et al.: col. 16, lines 45-47]. This

keyword is part of the user-defined rules. Thusly, by defining rules for a text string to be

drawn on the object provides a means for automatically labeling a graphical object with

text, such as with a number as claimed.

As shown in Fig. 2, the CAD system of Matsushita et al. is a multi-window CAD

system (claim **10**: computer system) and runs a CAD program (claim **16**: executable

instructions) that is used to generate graphic drawings of buildings [col. 3, lines 63-65].

Referring to Fig. 1, a command-selecting unit (1) selects a command to place a figure at

a desired position with desired shape [col. 3, lines 40-41]. This figure may be a door as

shown in Figs. 7, 8, 9, and 10 (claims: **4, 10, 16**: object as a door) [col. 8, line 15].

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to include the generation of graphic drawings of buildings

of Matsushita et al. with the automatic placement of Hollingsworth et al. with Matsushita

et al. because the automatic placement reduces the burden on the user of manually

applying complex drafting rules in creating or modifying graphical images [Hollingsworth

et al.: col. 3, lines 64-66] within computer aided design systems. As Hollingsworth et al.

determines, graphical objects may be lines, symbols, geometric shapes, text, or other

constructs which are to be placed on the graphical image [Hollingsworth et al.: col. 1,

lines 24-26]. Thus, doors may be included within these graphical objects.

3.   Claims **5**, **11**, and **17** are rejected under 35 U.S.C. 103(a) as being unpatentable

over US Patent No. 5,444,836 to Hollingsworth et al. in view of US Patent No.

6,025,849 to Felser et al.

Hollingsworth et al. teaches the limitations of claims **5**, **11**, and **17** except disclosing

the use of grips on the object for positioning and sizing. However, Felser et al. teaches

a flexible system within a computer aided design (CAD) system that can be applied to

shape objects as well as any other object that has the ability to provide type information

[Felser et al.: col. 3, lines 11-13].

In combination with the rationale of claims **1**, **7**, and **13** respectfully, Hollingsworth

et al. discloses an apparatus and method for creating and applying flexible, user defined

rules for placement of graphical objects in a computer aided drafting (CAD) application.

Felser et al. discloses a software system (claim **17**: executable instructions) that

enables the creation and maintenance of relationships between properties of objects,

wherein the objects can be authored by the user [col. 2, lines 40-45]. Referring to Fig.

1, the software system is typically implemented using a personal computer (100) (claim

11: computer with memory), which includes a processor (102), random access memory

(RAM) (104), data storage devices (106), data communications devices (108), monitor

(110), mouse pointing device (112) and keyboard (114). Fig. 2 of Felser et al. is a block

diagram that illustrates the components of an object (200) (also referred to as, intelligent

shape object). It is comprised of a number of different elements, one being zero of

more handles (210) (claims **5**, **11**, **17**: location grip) that provide direct manipulation of

the shape object (200), thereby allowing the user to stretch or otherwise resize the

shape object (200) [col. 4, lines 21-37].

Therefore, it would have been obvious to one at the time the invention was made to

combine the invention of Hollingsworth et al. with the handles and resizing method of

Felser et al. to allow direct manipulation of the object and to utilize the CAD program to

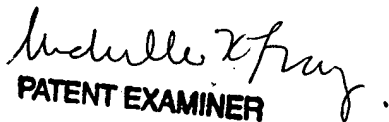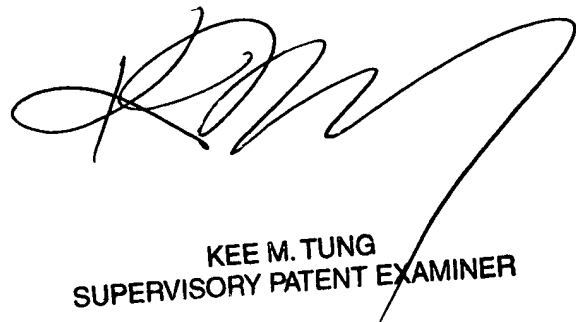its fullest extent [Felser et al.: col. 1, lines 57-62].

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle K. Lay whose telephone number is (571) 272-7661. The examiner can normally be reached on Monday through Thursday from 7:30am to 5:00pm. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kee M. Tung, can be reached at (571) 272-7794. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Patent Examiner
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10.13.2006 mkl

PATENT EXAMINER

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